

Hearing Date and Time: 8/10/2015 at 10:00 A.M.  
Objection Deadline: 8/5/2015 at 4:00 P.M.

LAW OFFICE OF  
MICHAEL H. LANDIS, LLC  
By: Michael H. Landis, Esquire<sup>1</sup>  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	
THE GREAT ATLANTIC & PACIFIC	:	CHAPTER 11
TEA COMPANY, INC., et al.	:	
	:	Case No. 15-23007 (RDD)
	:	
Debtors	:	(Jointly Administered)

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**OBJECTION OF GRAYS FERRY PARTNERS, LP TO  
DEBTORS' MOTION FOR ENTRY OF A FINAL ORDER  
AUTHORIZING THE DEBTORS (A) TO OBTAIN  
POST-PETITION FINANCING AND (B) TO USE CASH COLLATERAL**

Grays Ferry Partners, LP ("Landlord") responds to the Debtors' Motion For Entry Of A Final Order Authorizing The Debtors (A) To Obtain Post-Petition Financing And (B) To Use Cash Collateral (the "Motion") as follows:

1. Pursuant to a Lease dated June 29, 1988 (as amended and supplemented, the "Lease"), A&P Real Property, LLC (one of the Debtors) leases certain retail space from Landlord (the "Premises") pursuant to an unexpired lease of

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<sup>1</sup> On July 27, 2015, Mr. Landis filed a Motion For Admission To Practice, Pro Hac Vice, in this bankruptcy case. This Motion is still pending before the Court.

non-residential real property at the Grays Ferry Shopping Center in Philadelphia, Pennsylvania. The Lease is guaranteed by Pathmark Stores, Inc. (another one of the Debtors) pursuant to a Guaranty dated March 13, 2012. The Debtors operate a Pathmark grocery store at the Premises (Pathmark Store No. 72532).

2. The Lease is a lease of real property in a shopping center as that term is used in Section 365(b)(3). *See In Re Joshua Slocum, Ltd.*, 922 F.2d 1081, 1086-87 (3<sup>rd</sup> Cir. 1990).

3. Landlord objects to the Motion for the reasons set forth in the *Limited Objection Of Bassar-Kaufman, Inc., et al.* filed at Document No. 328 and incorporates herein the objections and arguments set forth therein. In addition, Landlord joins in the objections of all other landlords to the Motion and requests that any relief or modifications to the Order entered in connection with the Motion for the benefit of other landlords also be granted to Landlord.

4. For the reasons set forth herein, any order entered in connection with the Motion should be modified to address the objections stated herein.

Respectfully submitted,

LAW OFFICES OF  
MICHAEL H. LANDIS, LLC

Dated: 5 Aug. 2015

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